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THE RUMP COUNCIL.

How the Republicans Stale the Legislature in 1884.

A Pesky Precedent Set by Republicans Ten Years Ago in Organizing the Legislature.

A correspondent of the Denver News who evidently knows something of the inside facts concerning the organization of the legislature in 1884 says that organizing a legislature is a very simple process in some places, but in this territory it is as big a thing as "hog killin'" in the country, and is frequently done in much the same way. The present organization promises to be one of more than ordinary interest.

Both parties claim both houses, though on the face of the returns the democrats have a majority of two in the council and the republicans two in the house; but the secretary of the territory is the final arbiter in all such matters, and according to time-honored usage in this country a little affair like a certificate of election doesn't amount to much if it stands in the way of such an organization as the exigencies of the case require. It is said, "one with God is a majority," but a secretary of New Mexico can beat that hand, for he is a majority alone.

The most flagrant case of this kind that we probably ever had in New Mexico occurred in connection with the organization of the legislature of 1884, when a sufficient number of certificates of election in due form were disregarded by the secretary to change the complexion of both houses. Usually the administration—that is, the governor—doesn't care for the lower house, but the possession of a majority in the council is a matter of much importance to him, because he has the appointing of all the territorial officers—auditor, treasurer, attorney general, etc.—and all the district attorneys throughout the territory, and all these appointees have to be confirmed by the council. But on the occasion referred to the governor had a number of big financial schemes which he wanted to put through, involving appropriations to the amount of more than \$500,000, but he knew that the legislature as elected would not indorse these schemes, and so he and his secretary put

their heads together and concluded to make a legislature to fit the case, and they did it. The house allowed the secretary to organize it in his own way without a protest, but the council "kicked," and as soon as the secretary began to call up people to be sworn in who had no evidences of election and to ignore those who held certificates in due form, the council insisted upon its constitutional right to pass upon the election of its own members, and it insisted so vigorously and vehemently that the council chamber immediately became a perfect bedlam, and after waiting half an hour, vainly pounding with his gavel for "order," the secretary finally gathered up his papers and left, declaring that he was "prevented by a mob from organizing the council."

On the afternoon of the same day five persons who held certificates of election, and three who held no credentials, met secretly with the secretary in the governor's office and were sworn in as the territorial council of New Mexico, and were at once so recognized by the governor. But in the meantime the seven other gentlemen holding credentials of election—a majority of the council—met in the council chamber and organized without the assistance of the secretary, and when the governor's council went over to take possession of the hall they found it occupied by the legal council, and not daring to resort to force they went across the street and rented a room and there held their meetings during the session. This was the body that has ever since been known in New Mexico as the "rump council," and it enacted some of the most important legislation we have ever had in the territory, giving us, among other things, all of our present public debt. Interested parties carried the case to congress and to the supreme court, but accomplished nothing. Ex-President Harrison, then chairman of the senate committee on territories, thought there was nothing congress could do in the matter, and the supreme court, after eight years, decided that the secretary of the territory was the highest authority in such cases and the court had "no right to go behind the returns." With such a precedent as this before him there seems to be absolutely nothing to prevent the secretary of the territory from organizing the legislature out of any material that he chooses to select for the purpose;

all he needs is the "nerve," and our secretaries are hardly ever deficient in that quality.

In view of the case here referred to, the details of which are familiar to everybody in the territory, it is very natural that the present secretary should exercise his discretion in this matter to the extent of organizing the legislature in such a way as to put a safe majority on the side of the administration.

The pretext given by the secretary ten years ago for ignoring the holders of certificates and swearing in his friends was that "there had been gross frauds committed" in certain localities. That may have been true, but there was no evidence of it; it was merely a matter of common rumor, and the secretary had no official knowledge of it whatever. If this sort of "evidence" warrants the secretary in ignoring the claims of parties who hold certificates of election, then certainly the present secretary has abundant reason to exercise his discretion very freely, for there are more rumors of fraud and more well-grounded suspicions of fraud attaching to the election of last November than ever before attached to any election in the territory, and the fact that the secretary would be fully justified in ignoring many of the certificates that have been issued is probably what gives rise to the current belief that he intends to do so. And if he does the republicans should not complain; they invented the medicine and administered it to the democrats frequently, and now if it comes their turn to take a dose of the same they oughtn't to make any wry faces about it.

Preparations are being made to build a spur from the Silver City and Northern railroad to the new smelter being put up at Ivanhoe. Considerable work is now being done in the mines in the vicinity of Ivanhoe, but as soon as the smelter is in working order the number of men at work will be very largely increased and Ivanhoe will be one of the busiest camps in the whole southwest. The men who are at the head of the enterprise know what they are about and will be shipping copper in large quantities in a few weeks.

Russel Agee is the new proprietor of the postoffice news stand, having purchased it from B. T. Link who now expects to devote his time to the schools of the county.